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# Pam Smart Is Coming Back

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There have been no fewer than three books and two movies made about her.

And there is an extensive site on the Internet dedicated to her and her fight for freedom.

Whether you believe her claims of innocence or not, the story of Pamela Wojas Smart has generated as much interest in New Hampshire and elsewhere as any in the past decade.

And it isn't over yet.

The petite 23-year-old with a penchant for wearing bows in her hair was convicted March 22, 1991, of orchestrating the May 1, 1990, murder of her husband, Gregory Smart.

Now approaching her 30th birthday, Smart will appear before Judge Douglas Gray — the man who sentenced her to life in prison without parole — on Thursday morning to begin yet another appeal.

Her original defense attorneys, Paul Twomey and Mark Sisti, are beginning what Twomey called recently "a collateral appeal."

A writ of habeas corpus (from Latin, meaning "you shall have the body") was filed in Rockingham County Superior Court. It alleges that Smart's imprisonment violates her Constitutional rights against cruel and unusual punishment.

In the writ, Twomey further alleges that Judge Gray made mistakes during the trial that further denied Smart rights guaranteed her under the state and United States constitutions.

Twomey is asking Gray to set aside the conviction and release Smart.

The state tried to get Gray to dismiss the writ, because it was filed in Rockingham County, not Merrimack County. Smart was originally sent to the state women's prison in Goffstown to serve her sentence, giving Merrimack County Superior Court

jurisdiction over a wrongful imprisonment appeal.

But Smart was transferred several years ago to a prison in Bedford Hills, N.Y. Gray said the appeal can continue because the writ was filed in the county in which she was tried and sentenced, and, because neither county has custody of her now,

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Rockingham County is as good a place as any for this to be heard.

A direct appeal of Smart's conviction filed in the summer of 1991 said Smart did not get a fair trial because of excessive pretrial publicity.

That appeal was rejected by the state Supreme Court and was not accepted for review by the U.S. Supreme Court.

Boston attorney J. Albert Johnson directed that appeal. He did not return telephone calls seeking comment.

Last month, Twomey said this appeal is allowed under court rules and state law even though her last appeal was unsuccessful.

"This is different," Twomey said.

Smart's hearing is set for 9 a.m. June 12.

It was on June 12, 1990, that William Flynn, Vance Lattime and Patrick Randall were arrested for their role in Gregory Smart's murder.

Smart and Billy Flynn met at Winnacunnet High School in Hampton. Smart was a new media coordinator for the school district. Flynn, of Seabrook, was a student.

According to Flynn's testimony during Smart's 1991 trial, the two became lovers after working together on a class project.

Flynn said Smart talked him into killing her husband so the two of them could be together.

He said Smart didn't want to get a divorce — she

was afraid of losing her home, her money, and her dog, Halen.

Flynn, Randall and Lattime went to Misty Morning Drive on the night of May 1. Gregory Smart, an insurance agent with Metropolitan in Bedford, was going to be working late. Pamela Smart was at a Winnacunnet School Board meeting pitching a class she wanted to teach that fall.

The teens entered the condominium with a key Pamela Smart had given them. They locked Halen in the basement and tossed things around to make it look like a burglary.

Gregory Smart came home and was accosted by two of the teens. They took his wallet, Flynn said, but he testified that Greg would not give up his wedding band.

"He said, 'My wife will kill me,'" Flynn testified in March of 1991.

Flynn told the jury that he made Greg get on his knees. Flynn grabbed him by the hair, said, "God help me," and fired one shot.

Pamela Smart found her husband about 10:30 p.m. and ran screaming from the condo for help.

The three teenagers were arrested 42 days later by Derry and state police. Then on Aug. 1, police led a pale, trembling Pamela Smart out of the School Administration Unit 21 offices in handcuffs. It was to be her last day of freedom.

On Thursday, she'll find out if she'll ever have another.